

Message Text

LIMITED OFFICIAL USE

PAGE 01 BUENOS 08002 092241Z

15

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 JUSE-00 VO-03 DHA-02 SS-15

NSC-05 CIAE-00 INR-07 NSAE-00 PA-01 USIA-06 PRS-01

SP-02 /053 W

----- 066858

R 092046Z DEC 76

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 8161

LIMITED OFFICIAL USE BUENOS AIRES 8002

E.O. 11652: NA

TAGS: PFOR SHUM AR

SUBJECT: REQUEST FOR EXTRADITION FROM UNITED STATES OF JOSE GELBARD

REF: BUENOS AIRES 4171

1. ARGENTINE FEDERAL JUDGE ON DEC. 7 ORDERED ARREST OF JOSE BER GELBARD, MINISTER OF ECONOMY DURING 1973 AND 1974 UNDER THE PERONS, AND REQUESTED THAT DIPLOMATIC ACTION BE INITIATED TO SECURE HIS PROVISIONAL ARREST AND SUBSEQUENT EXTRADITION FROM THE UNITED STATES, WHERE HE NOW RESIDES AT "HOTEL FAIRFAX, ROOM 703, WASHINGTON, D.C." EMBASSY HAS RECEIVED NO COMMUNICATIONS FROM GOA ON POSSIBLE GELBARD EXTRADITION, AND FONMINISTRY INFORMS US THAT REQUEST HAS NOT BEEN PRESENTED TO IT.

2. GELBARD HAS BEEN A CENTRAL FIGURE IN THE INVESTIGATIONS OF CORRUPTION UNDER THE PREVIOUS GOVERNMENT OF MRS. PERON, AND HAS REPORTEDLY BEEN NAMED BY MRS. PERON AS ONE OF THOSE WHO LED HER ASTRAY IN THE FINANCIAL MANIPULATIONS WHICH LED TO HER OWN INDICTMENT. ASIDE FROM THE CORRUPTION CHARGES, HE WAS OF COURSE A HIGHLY CONTROVERSIAL FIGURE IN THE POLITICAL AND ECONOMIC STRUGGLES OF THE PERIOD. AT THE TIME OF THE COUP IN MARCH 1976, GELBARD WAS OUT OF ARGENTINA AND COULD NOT RETURN WITHOU FACING IMMEDIATE ARREST ALONG WITH OTHER PERONIST LEADERS.

3. GOA FRUSTRATION OVER DIFFICULTIES AFTER THE COUP OF FORMULATING LEGAL CHARGES AGAINST PERSONS THEY REGARDED AS OUTRIGHT THIEVES, MANY OF WHOM WERE OUT OF THE COUNTRY, LED TO CONCEPT LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BUENOS 08002 092241Z

OF "REVOLUTIONARY JUSTICE," OR SUMMARY JUDGMENT AND PUNISHMENT

WITHOUT TRIAL. AN "ACT OF INSTITUTIONAL RESPONSIBILITY" DATED JUNE 18 LISTED MRS. PERON AND 35 OTHER FORMER POLITICIANS, LEGISLATORS AND LABOR LEADERS (REFTEL). THEIR POLITICAL RIGHTS WERE STRIPPED FROM THEM, AND THEIR ASSETS SEIZED. THE ONLY NATURALIZED ARGENTINE AMONG THEM, THE POLISH-BORN GELBARD, WAS DEPRIVED OF HIS ARGENTINE CITIZENSHIP.

4. ONLY SIGNIFICANT PUBLIC COMMENT SO FAR ON ANNOUNCEMENT OF EXTRADITION REQUEST FOR GELBARD WAS EDITORIAL IN ENGLISH-LANGUAGE BAR HERALD ON DEC. 8. THE PAPER EXPRESSED THE VIEW THAT GELBARD SHOULD "SEEK GUARANTEES" FROM THE GOA AND RETURN OF HIS OWN FREE WILL. HOWEVER, "THERE IS ONE OBSTACLE .. IT IS DIFFICULT TO IMAGINE ANY UNITED STATES JUDGE DEPORTING A MAN TO A COUNTRY WHICH HAS ALREADY PUNISHED HIM, WITHOUT TRIAL OR EVIDENCE, BY STRIPPING HIM OF HIS CITIZENSHIP AND FREEZING HIS ASSETS." THE EDITORIAL CLOSES WITH MORAL THAT WHOLE INCIDENT EMPHASIZES NEED TO "RE-ESTABLISH RULE OF LAW...INDEPENDENCE OF JUSTICE ...AND PEOPLE'S CONFIDENCE IN COURTS."

5. PRESS REPORTED THIS MORNING THAT SOL LINOWITZ WILL ACT AS GELBARD'S LAWYER IN US. CAN DEPT. CONFIRM?
HILL

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION
Control Number: n/a
Copy: SINGLE
Draft Date: 09 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BUENOS08002
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760456-0206
From: BUENOS AIRES
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761256/aaaabvuc.tel
Line Count: 83
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 BUENOS AIRES 4171
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUL 2004 by ElyME>; APPROVED <29 OCT 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR EXTRADITION FROM UNITED STATES OF JOSE GELBARD
TAGS: PFOR, SHUM, AR, US, (GELBARD, JOSE)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006